

Message Text

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TO AMEMBASSY SANA

C O N F I D E N T I A L STATE 273859

E.O. 11652: GDS

TAGS: SHUM, YE

SUBJECT: YEMEN ARAB REPUBLIC (YAR) HUMAN RIGHTS EVALUATION
PLAN

REF: (A) STATE 133681; (B) STATE 138761

1. FOLLOWING IS DRAFT OF HUMAN RIGHTS COUNTRY EVALUATION
PLAN FOR YEMEN ARAB REPUBLIC. NUMBERS AND LETTERS KEYED
TO OUTLINE SET FORTH IN REFTELS. PLEASE REVIEW THIS
DRAFT AND SUBMIT ANY SUGGESTED CHANGES OR COMMENTS TO
ARRIVE IN DEPARTMENT BY OPENING OF BUSINESS MONDAY,
NOVEMBER 21.

2. A. CONDITION OF HUMAN RIGHTS IN THE YEMEN ARAB
REPUBLIC.

(1) A. OFFICIAL DIRECTIVES INCLUDE LEGAL PROCEDURES TO
PREVENT TORTURE.

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B. PRISONERS INCARCERATED IN REMOTE AREAS ARE STILL SOME-
TIMES SUBJECTED TO CRUEL OR INHUMAN TREATMENT. THESE
PRACTICES ARE NOT SANCTIONED BY THE CENTRAL GOVERNMENT,
BUT IT IS NOT ABLE TO PREVENT OCCURANCES IN REGIONS WHERE
IT HAS LIMITED ADMINISTRATIVE CONTROL. ISLAMIC LAW
SANCTIONS THE SEVERING OF THE HAND OF CONVICTED THIEVES
BUT SUCH PUNISHMENT IS NOT METED OUT TO FIRST OR SECOND
OFFENDERS. CAPITAL PUNISHMENT BY PUBLIC BEHEADING IS PRO-
VIDED FOR BY LAW FOR MURDER AND SABOTAGE BUT A NUMBER OF
OFFENSES PREVIOUSLY PUNISHABLE BY DEATH, SUCH AS ADULTERY,

ARE NOW PUNISHABLE BY IMPRISONMENT ONLY.

C. LOWER LEVEL CIVILIAN AND MILITARY OFFICIALS HAVE, ON THEIR OWN INITIATIVE, ARRESTED OR DETAINED INDIVIDUALS WITHOUT ADEQUATE GROUNDS OR ON THE BASIS OF HEARSAY AND CIRCUMSTANTIAL EVIDENCE. IN THE MIDST OF A SMOOTH CABINET SHUFFLE IN 1973 THREE CABINET MEMBERS WERE BRIEFLY DETAINED AFTER PROTESTING THE PRIME MINISTER'S FORCED RESIGNATIONS. THESE PRACTICES ARE AT VARIANCE WITH THE YAR CONSTITUTION. OFFICIAL DIRECTIVES LIMIT DETENTION TO ONE WEEK BEFORE REFERRAL TO A COURT, AND THREE MONTHS DETENTION WITHOUT TRIAL. ARBITRARY DETENTIONS THAT DO OCCUR ARE USUALLY BRIEF.

D. YEMENIS CAN OBTAIN FAIR TRIAL UNDER THE PROCEDURES PRESCRIBED BY THE KORANIC LAW AND WITHIN THE LIMITATIONS IMPOSED BY THE ABSENCE OF CRIMINAL AND CIVIL LAW CODES AND COURTS. RELIGIOUS COURTS HAVE A LONG TRADITION OF FAIRNESS AND IMPARTIALITY. HOWEVER, HEARINGS ARE INTENDED MORE TO INSURE THAT THE INJURED PARTY IN A DISPUTE OBTAINS SATISFACTION RATHER THAN TO DETERMINE CHARGES AGAINST THE DEFENDENT OR GUARANTEE HIS LEGAL RIGHTS ARE RESPECTED.

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(NOTE FOR EMBASSY SANA: HAS LEGAL SYSTEM WHICH INCORPORATES CONCEPT OF ARRAIGNMENT BEEN IMPLEMENTED YET?).

E. AS A RULE, THE YEMEN AUTHORITIES OBSERVE DUE PROCESS WITH RESPECT TO SEARCHES. WARRANTS ARE NOT, HOWEVER, REQUIRED.

(2) A. MOST PEOPLE DO NOT FEAR TO EXPRESS THEMSELVES OR TO WORSHIP ACCORDING TO THEIR BELIEFS. THE OPPORTUNITIES FOR ASSEMBLY, HOWEVER, ARE LIMITED. THERE IS NO EVIDENCE OF RELIGIOUS INTOLERANCE.

THE JEWISH COMMUNITY IN YEMEN IS SMALL AND RESIDES IN REMOTE AND RATHER PRIMITIVE SECTIONS OF THE COUNTRY BUT IT IS SECURE AND EASILY ACCEPTED IN THE SOCIETY. IT IS UNDER NO RESTRICTIONS AS TO MOVEMENT OR EMIGRATION. FOREIGN CHRISTIANS ARE ALSO ALLOWED TO WORSHIP FREELY AND CHRISTIAN MISSIONARIES ARE PERMITTED TO WORK OPENLY IN A PROFESSIONAL CAPACITY IN SUCH ENDEAVORS AS HOSPITAL AND CLINICS. PROSELYTIZATION, HOWEVER, IS FORBIDDEN BY KORANIC LAW.

NON-VIOLENT POLITICAL OPPONENTS OR CRITICS ARE NOT USUALLY SUBJECTED TO LONG-TERM IMPRISONMENT. THOSE IN MINISTERIAL OR OFFICIAL POSITIONS ARE EITHER DISMISSED FROM POST, DISPATCHED TO YAR DIPLOMATIC MISSIONS ABROAD OR PLACED UNDER HOUSE ARREST. THOSE IMPRISONED ARE

USUALLY DETAINED FOR A SHORT PERIOD OF TIME. THERE ARE NO LABOR UNIONS IN THE YAR.

B. FREEDOM TO MOVE ABOUT THE COUNTRY IS OCCASSIONALLY DISRUPTED BY LOCAL TRIBAL PARAMILITARY ORGANIZATIONS; THE GOVERNMENT CONSTANTLY WORKS TO RESTORE SUCH FREEDOM. PEOPLE GENERALLY DO HAVE WIDE FREEDOM TO TRAVEL WITHIN AND OUTSIDE THE COUNTRY.
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C. THE OPPORTUNITIES FOR PARTICIPATION IN THE POLITICAL PROCESS ARE VERY LIMITED. THE CENTRAL GOVERNMENT HAS NOT FOUND A MEANS OF FORMALLY ASCERTAINING AND TAKING INTO CONSIDERATION POPULAR VIEWS, EXCEPT WITHIN A NARROW, TRADITIONAL TRIBAL CONTEXT. AN ELECTED CONSULTATIVE ASSEMBLY, NON-EXISTENT SINCE SHORTLY AFTER FORMER PRESIDENT AL-HAMDI CAME TO POWER IN 1974, HAS LONG BEEN BRUITED BUT NOT YET DELIVERED.

(3) A. YAR GOVERNMENT POLICIES IN GENERAL HAVE TENDED TO BE SUPPORTIVE OF YEMENIS' BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION, AT LEAST WHEN COMPARED TO THOSE OF PREVIOUS GOVERNMENTS WHICH HAD BEEN PLAGUED WITH SEEMINGLY ENDLESS CIVIL STRIFE. DEVELOPMENT EXPENDITURES HAVE SOARED, AND, PHYSICAL INFRASTRUCTURE HAS BEEN EMPHASIZED. THE NEEDS OF INDIVIDUALS HAVE AT LEAST PARTIALLY BEEN MET BY THE MASSIVE INFLOW INTO PRIVATE HANDS OF REMITTANCES FROM YEMENIS WORKING ABROAD, PARTICULARLY IN SAUDI ARABIA.

B. CORRUPTION ON A MAJOR SCALE HAS NOT BEEN CHARACTERISTIC OF THE YAR, PERHAPS BECAUSE THERE ARE RELATIVELY FEW OPPORTUNITIES FOR ARBITRARY ACTION IN ITS LAISSEZ FAIRE ECONOMY. THAT WHICH DOES EXIST IS NEITHER A CAUSE OF NOR A CONTRIBUTOR TO POVERTY OR SUFFERING.

(4) PREOCCUPIED AS IT HAS BEEN WITH CONSOLIDATION OF ITS CONTROL OVER THE COUNTRY, THE YAR GOVERNMENT HAS NOT DWELT ON ACHIEVEMENT OF A POSITIVE HUMAN RIGHTS RECORD, BUT NEITHER HAS IT ACQUIRED A REPUTATION AS AN OPPRESSOR. UNDER PRESIDENT AL-HAMDI, THE EMPHASIS WAS ON ACHIEVING CONTROL THROUGH MATERIAL INDUCEMENTS TO ACTUAL OR
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POTENTIAL OPPONENTS; POLICIES SMACK MORE OF THE CARROT THAN OF THE STICK. AS LONG AS MAJOR FLOWS OF FINANCIAL RESOURCES CONTINUE FROM NEIGHBORING ARAB COUNTRIES, THESE POLICIES WILL PROBABLY CONTINUE, ALTHOUGH THE TEMPTATION--AND THEREFORE THE POSSIBILITY--IS ALWAYS THERE FOR THE REGIME TO TRY TO SPEED UP THE PROCESS OF NATIONAL INTE-

GRATION THROUGH THE FORCIBLE REPRESSION OF TRIBAL
OPPONENTS.

MOST WOMEN IN YEMEN CONTINUE TO LEAD A TRADITIONAL AND
RESTRICTED EXISTANCE. GLIMMERINGS OF CHANGE IN THEIR
OVERALL STATUS ARE BEGINNING TO APPEAR. (WOMEN ATTEND
SANA UNIVERSITY WITH MALE STUDENTS AND ARE BEING
INCREASINGLY EMPLOYED IN GOVERNMENT OFFICES.) THE
YARG IS PUBLICLY COMMITTED TO IMPROVING THE STATUS OF
WOMEN AND WILL CONTINUE TO DO SO --SO LONG AS IT CAN
AVOID AN OPEN CONFRONTATION WITH THE POWERFUL CON-
SERVATIVE AND RELIGIOUS FORCES IN THIS STILL TRADITIONAL
SOCIETY.

B. 1. IT WOULD BE ACCURATE TO CHARACTERIZE THE YAR'S
OVERALL ATTITUDE TOWARDS HUMAN RIGHTS AS ACCEPTABLE.
SHORTCOMINGS ARE MORE OFTEN THE RESULT OF AGE-OLD TRIBAL
AND RELIGIOUS PRACTICES, IN MANY WAYS OUTSIDE THE CONTROL
OF THE CENTRAL GOVERNMENT. VIOLATIONS DO OCCUR BUT ONLY
SPORADICALLY AND WITHOUT CENTRAL GOVERNMENT APPROVAL.

ANY STEPS THE USG CAN TAKE TO STRENGTHEN THE AUTHORITY
OF THE CENTRAL GOVERNMENT WILL REDUCE CAPRICIOUS PRACTICES
BY LOCAL OR TRIBAL AUTHORITIES AND SHOULD RESULT IN A
MORE CONSISTANT OBSERVANCE OF HUMAN RIGHTS.

BEFORE WE BEGIN SYSTEMATIC ACTION TO ENCOURAGE GREATER
HUMAN RIGHTS AWARENESS IN THE YAR THE EMBASSY SHOULD
COLLECT AND REPORT INFORMATION FROM VARIOUS PARTS OF THE
COUNTRY, PAYING PARTICULAR ATTENTION TO BOTH THE FORMAL
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LEGAL SYSTEM AND INFORMAL SOCIAL ATTITUDES AS CONSTRAINTS
ON ARBITRARY BEHAVIOR OF THOSE IN POWER. PROGRAMS OR
ACTIONS INITIATED ON OUR PART WITHOUT A THOROUGH UNDER-
STANDING OF THE LEGAL AND SOCIAL MATRIX OF THE COUNTRY
RUN THE RISK OF BEING FUTILE AND POSSIBLY SELF-DEFEATING.
A PUSH TOO HARD, PARTICULARLY IF IT IS IN CONFLICT WITH
TRADITIONAL, RELIGIOUSLY-BASED MORES, COULD ENGENDER A
BACKLASH JEOPARDIZING WHATEVER PROGRESS HAS BEEN MADE.
SPECIFIC ACTION WE MIGHT TAKE ONCE THIS STUDY IS COM-
PLETED COULD INCLUDE:

--SCHEDULE CULTURAL EXCHANGE PROGRAMS--VOLUNTARY SPEAKERS,
CULTURAL GROUPS--THAT WILL EXPLICITLY, OR BY EXAMPLE,
REINFORCE OUR CONCERN AND COMMITMENT TO HUMAN RIGHTS IN A
VARIETY OF FIELDS.

--INCREASE THE NUMBER OF WOMEN RECEIVING SCHOLARSHIPS, IV
GRANTS AND THE LIKE TO THE EXTENT POSSIBLE.

--THE ARABIC SERVICE OF THE VOICE OF AMERICA COULD FOCUS
ATTENTION ON HUMAN RIGHTS, BEGINNING WITH A SERIES OF

PROGRAMS ON MILESTONES IN THE AMERICAN STRUGGLE TO INSURE HUMAN RIGHTS IN THE U.S., AND FOCUSING ON SIGNIFICANT CONTRIBUTIONS BY ARAB OR MUSLIM LEADERS TO THE PROTECTION OF HUMAN RIGHTS.

--IV GRANTEES COULD BE SELECTED ON THE BASIS OF AND THEIR PROGRAM COULD FOCUS ON THE HUMAN RIGHTS ASPECT OF THEIR CHOSEN PROFESSION; EG REPRESENTATIVE GOVERNMENT, DUE PROCESS AND THE PROTECTION OF CIVIL LIBERTIES IN OUR LEGAL SYSTEM, OR MODERN PENAL INSTITUTIONS.

IT IS DIFFICULT TO PUT THESE SUGGESTED COURSES OF ACTION INTO NEAT, SOMEWHAT ARBITRARY TIME FRAMES. MUCH DEPENDS
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ON WHAT IS LEARNED THROUGH THE EMBASSY'S STUDY, THE REACTION OF THE GOVERNMENT AND RELIGIOUS LEADERS AT EACH STEP IN THE PROCESS AND, WITH GRANTEES, THE EXISTENCE AND AVAILABILITY OF CANDIDATES.

(2) THE GOVERNMENT'S ATTITUDE AND POLICIES ON HUMAN RIGHTS ARE GOOD BUT IT IS DOUBTFUL IT WILL GIVE ACTIVE AND CONSPICUOUS SUPPORT TO THE PROMOTION OF HUMAN RIGHTS. IT MUST CONSIDER CONSERVATIVE OPINIONS AT HOME AND WOULD NOT WISH TO MOVE OUT AHEAD OF NEIGHBORING SAUDI ARABIA ON THIS ISSUE.

NONE OF THE COURSES OF ACTION OUTLINED ABOVE SEEM LIKELY TO CAUSE US DIFFICULTIES WITH THE GOVERNMENT OR THE PEOPLE IF HANDLED WITH SENSITIVITY TO THE CONSERVATIVE AND RELIGIOUS FORCES STILL POWERFUL WITH YEMENI SOCIETY.

(3) THE REACTIONS WITH THE GOVERNMENT AND SEGMENTS OF THE POPULATION WOULD, BY ACCEPTANCE OF OUR SUPPORT AND ENCOURAGEMENT FOR POSITIVE CHANGE, LEAD TO AN IMPROVEMENT OF THE HUMAN RIGHTS CONDITION IN YEMEN.

HOWEVER, IF OUR APPROACH AND OUR ACTIONS WERE PERCEIVED BY THE CONSERVATIVE AND RELIGIOUS ELEMENTS OF SOCIETY AS A THREAT OR INVASION OF THEIR MUSLIM VALUES OR TRADITIONAL SOCIETY, THE REACTION COULD BE A SHARP BACKLASH NEGATING WHATEVER PROGRESS THE GOVERNMENT HAD MADE.

(4) A. SINCE THE ACTIONS OUTLINED ABOVE ARE SUPPORTIVE OF YARG POLICIES AND PROGRAMS THEY SHOULD NOT HAVE ANY IMPACT ON OTHER U.S. INTERESTS IN THE COUNTRY.

B. UNLESS OTHER ARAB COUNTRIES FOLLOW A SIMILAR COURSE,

IT IS UNLIKELY THE YAR WILL SUPPORT U.S. EFFORTS THROUGH
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GOVERNMENTAL OR NON-GOVERNMENTAL ORGANIZATIONS. VANCE

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